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Arizona Corporation Commission

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SEP 19 2000

BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

CARL J. KUNASEK

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

DOCKETED BY

2000 SEP 19 P 4: 25

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF)
 U S WEST COMMUNICATIONS, INC., A)
 COLORADO CORPORATION, FOR A)
 HEARING TO DETERMINE THE EARNINGS)
 OF THE COMPANY, THE FAIR VALUE OF)
 THE COMPANY FOR RATEMAKING)
 PURPOSES, TO FIX A JUST AND)
 REASONABLE RATE OF RETURN)
 THEREON AND TO APPROVE RATE)
 SCHEDULES DESIGNED TO DEVELOP)
 SUCH RETURN.)

DOCKET NO. T-01051B-99-0105

AT&T's RESPONSE TO JOINT
 MOTION FOR EXTENSION OF
 HEARING

AT&T Communications of the Mountain States, Inc. ("AT&T") hereby responds to the Joint Motion of Qwest and Staff for an Extension of Hearing. AT&T does not object to an extension of the hearing date presently set for September 25, 2000. Nevertheless, AT&T responds to point out scheduling issues for some of its witnesses and counsel and to express concern regarding the premise of the motion: that an agreement between staff and Qwest may reduce the length and scope of the hearing.

AT&T has already advised counsel for both staff and Qwest that two of its witnesses will be out of the country and unavailable for a large part of the hearing if the motion for extension of time is granted. AT&T witness Arlene Starr will be unavailable from October 10 through October 18, while Dr. Lee Selwyn is unavailable from October 10 through October 23. In addition, counsel for AT&T who is handling those witnesses is scheduled to be in another hearing from October 18 through October 20. AT&T has agreed that it will not oppose this motion based on an agreement by staff and Qwest to accommodate these witnesses and to keep the record open if necessary until these witnesses are available to testify. This is the only way to avoid prejudice to AT&T in granting the motion.

AT&T also questions the assumption of the motion for extension that an agreement between staff and Qwest will "reduc[e] the length and scope of any necessary hearing." Any order in this proceeding approved by the Commission must demonstrate based upon substantial evidence that the adopted rates are just and reasonable. A settlement agreement, unless accepted by all parties, does not meet this standard. See, e.g. *Business and Professional People for the Public Interest v. Illinois Commerce Commission*, 136 Ill. 2d 192, 144 Ill. Dec. 334, 555 N.E.2d 693, 704 (1989). Even if there is a settlement between staff and Qwest, staff and Qwest will still be required to present testimony sufficient to establish that the settlement meets regulatory standards.

For these reasons, AT&T requests that any order entered on the joint motion for extension recognize that the hearing will need to continue until testimony from AT&T's witnesses is available. In addition, the time to be scheduled for the hearing should anticipate testimony from all of the current parties to the proceeding.

DATED this 19th day of September, 2000.

**AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC.**

Richard Wolters

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By: Mary E. Steele
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Sent by Federal Express for overnight delivery
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Docket Control
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COPY of the foregoing sent by facsimile, mail and/or e-mail
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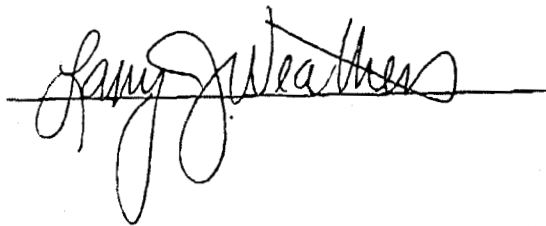
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A handwritten signature in cursive script, appearing to read "Gary Weather", is written over a horizontal line.